



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 217 – FRIDAY 23 AUGUST 2013

**BROLGA ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN**

- MEMBERS PRESENT:** Peter McQueen (Chairman), Grant Tambling, Robin Knox and Jeanette Anictomatis
- APOLOGIES:** Garry Lambert and David Hibbert
- OFFICERS PRESENT:** Margaret Macintyre (Secretary), Linda Henning, Michael O'Neill and for part of the meeting Steven Conn (Development Assessment Services)
- COUNCIL REPRESENTATIVE:** Nil

Meeting opened at 10.00 am and closed at 11.45 am

THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 **4 X 3 BEDROOM MULTIPLE DWELLINGS IN A TWO STOREY BUILDING PLUS**
PA2013/0522 **ONE LEVEL OF BASEMENT CAR PARKING**
APPLICANT **LOT 1706 (16) GEORGE CRESCENT, TOWN OF DARWIN**
NEVILLE JONES SERVICES

Mr Neville Jones (Neville Jones Services) and Mr Hully Liveris (Hully Liveris Design Co Pty Ltd) attended.

RESOLVED That, the Development Consent Authority vary the requirements of clauses 7.3
184/13 (Building Setbacks of Residential Buildings) and 7.3.1 (Additional Setback
Requirements for Residential Buildings Longer than 18m and for Residential Buildings
Over 4 Storeys in Height) of the Northern Territory Planning Scheme, and pursuant to
section 53(a) of the *Planning Act*, consent to the application to develop Lot 1706 (16)
George Crescent, Town of Darwin, for the purpose of 4 x 3 bedroom multiple
dwellings in a two storey building, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0522/01 – 2013/0522/09, endorsed as forming part of this permit.
2. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, gas and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
5. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to the City of Darwin, to the satisfaction of the consent authority.
6. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;

All to the technical requirements of, and at no cost to, the City of Darwin, and to the satisfaction of the consent authority.

7. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat; and
 - (d) drained;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
8. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street, nor is any of the landscaping within the 6m driveway aisle extent to exceed 0.6m, ensuring that an appropriate level of visual connectivity through the carparking area.
9. Before the use/ occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
11. All air-conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed to ground level in a controlled manner to the satisfaction of the consent authority.
12. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that:
 - The current local infrastructure cannot sustain the necessary fire fighting flows for the development and as a result the developer will be required to contribute towards the upgrade of the local water reticulation infrastructure. The applicant/ developer should contact Power and Water Corporation's Services Development Technical officers prior to the commencement of works to discuss water supply and contribution requirements.
 - Payment is to be made in accordance with PAWC's 'water and sewerage services extension policy' (WASSEP) prior to the receipt of development clearance from PAWC.
 - The Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network

Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.

2. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
3. The developer is to contact Telstra via the following website prior to any work commencing to facilitate the installation of the Telstra network: <http://www.telstrasmartcommunity.com/>, and is to register the development with NBN Co at <http://www.nbnco.com.au/getting-connected/new-developments.html>.
4. Telstra advises that the developer is required to contact "Dial Before You Dig" on 1100 to obtain a location of the Telstra network, and arrange for any removal or relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1-800-810-443.
5. The Department of Lands, Planning and the Environment's 'Environment Protection Agency' advises that construction work should be conducted in accordance with the Department's Noise guidelines for development sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

REASONS FOR THE DECISION

1. The proposal to develop the site for the purpose of 4 x 3 bedroom multiple dwellings in a two storey building is consistent with the primary purpose of clause 5.2 (Zone MD – Multiple Dwelling Residential), which is to "provide for a range of housing options to a maximum height of two storeys above ground level", and that the development also satisfies subclause 2 as it is considered to be of a "scale, character and architectural style that is compatible with the streetscape and surrounding development", being similar in scale and form to many developments along George Crescent and within the locality.
2. A variation to setback provisions of clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme is supported as the non-compliance only affects the two pergolas within the front yards of the development. These present minor non-compliances, of 1.2m for the structure to the north and 0.4m for the structure to the south, which are deemed to present special circumstances as given by clause 2.5 (Exercise of Discretion by the Consent Authority), and both are seen to satisfy the purpose of clause 7.3 due to their open and lightweight nature, the presence of a 1.8m high

blockwork wall along the front boundary and landscaping within the affected setback, including the provision of a medium sized tree to the front of each pergola, reinforced through the endorsed landscape plan; there will be no impact on overlooking and breezes through this area will not be impeded.

3. A variation to the additional setback provisions of clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings Over 4 Storeys in Height) of the Northern Territory Planning Scheme is supported as the development has been designed to meet the purpose of this clause, "To ensure that residential buildings are located so as to minimise adverse effects of building massing and visual bulk from adjoining land and the street". The average setback for the building exceeds the numerical setback that would be imposed through this clause, the large central void meaning that the development presents similarly to two buildings, which when coupled with the introduction of additional landscaping, and the undeveloped nature of the western side of George Crescent, ensures that no undue massing or visual bulk impacts will result.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2013/0503
APPLICANT

3 STOREY SINGLE DWELLING
LOT 7742 (43) RUDDICK CIRCUIT, TOWN OF DARWIN
RAW DESIGNS

Mr Rob Watt (Raw Designs) and Mr Israel Kgosiemang (One Planning) attended.

RESOLVED
185/13

That, the Development Consent Authority vary the requirements of clause 7.1.2 (Residential Height Limitations) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 7742 (43) Ruddick Circuit, Town of Darwin for the purpose of a three storey single dwelling, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0503/01 to 2013/0503/10 endorsed as forming part of this permit.

3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.
7. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
8. All air-conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed to ground level in a controlled manner to the satisfaction of the consent authority.
9. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
10. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

REASONS FOR THE DECISION

1. Lot 7742, Town of Darwin, is within zone SD20 (Specific Use Darwin 20) of the NT Planning Scheme. The purpose of this zone is to facilitate the subdivision, use and development of land as a residential estate. The proposal is for a three storey single dwelling which is considered to not contradict the purpose of this zone and not to result in undue amenity impacts.
2. A variation to the two storey height limit given by clause 7.1.2 (Residential Height Limitations) of the Northern Territory Planning Scheme is acceptable as the proposal is considered to be consistent with the objective of this clause by proposing a development that is of a compatible height and scale as properties on surrounding properties. The non-compliant element represents a small portion of the overall design, is centrally located within the site, is largely below ground level, and will not be readily noticeable from outside the site. In terms of the design's appropriateness to the area, there are a number of other three storey dwellings already developed in the estate, which are of a comparable height and scale as the proposed dwelling.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2013/0510
APPLICANT

4 X 3 BEDROOM MULTIPLE DWELLINGS IN 2 X 2 STOREY BUILDINGS
LOT 6137 (3) MUSGRAVE CRESCENT, TOWN OF NIGHTCLIFF
HELEN LI

The applicant sent her apologies.

RESOLVED
186/13

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout) and Clause 7.1 (Residential Density Limitations) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 6137 (3) Musgrave Crescent, Town of Nightcliff for the purpose of 4 x 3 bedroom multiple dwellings in 2 x 2 storey buildings, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to include:
 - (a) Revision to bays 1 and 2 to comply with Clause 6.5.3(j) which requires parking bays at the end of or perpendicular to a driveway to either have a width of 3.5m or a driveway that project 1m from the end of the bay;

- (b) Confirmation of acceptance by the Power and Water Corporation of the location of the required 1m x 1m electricity easement on the site.
2. Prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of City of Darwin and to the satisfaction of the consent authority.
3. Prior to the commencement of works (including site preparation) a waste management plan in accordance with Council's Waste Management Policy is required to be submitted, to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with drawing endorsed as forming part of this permit.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
7. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.
8. The owner shall:
 - a) remove disused vehicle and/ or pedestrian crossovers;
 - b) collect stormwater and discharge it to the drainage network; and
 - c) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
9. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) constructed;
 - b) properly formed to such levels that they can be used in accordance with the plans;
 - c) surfaced with an all-weather-seal coat;
 - d) line marked to indicate each car space (where appropriate); and
 - e) drained;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.

10. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their guests.
11. Before the use/occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
13. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner, to the satisfaction of the consent authority.
14. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
15. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
3. A "Permit to Work Within a Road Reserve" may be required from the City of Darwin before commencement of any work within the road reserve.

REASONS FOR THE DECISION

1. The proposal to construct 4 x 3 bedroom multiple dwellings in 2 x 2 storey buildings is consistent with the purpose of Zone MD (Multiple Dwelling Residential) which is to provide for a range of housing options to a maximum height of two storeys. The existing land uses in this section of Musgrave Crescent consist predominantly of multiple dwellings in two

storey buildings. The scale, character and architectural style of this development is considered to be consistent with that of surrounding properties and the streetscape.

2. A variation of Clause 6.5.3 (Parking Layout) to allow a reduced driveway width from 6m to 5.5m to accommodate 0.5m of landscaping is considered appropriate as:
 - Adequate manoeuvring room is still achieved on the site for vehicles to enter and exit the site in a forward gear; and
 - A fully compliant driveway could easily be achieved if the landscaping were deleted from the plans but in this case, retention of the proposed landscaping is considered to soften the appearance of the driveway and reduces sealed surfaces on the property without creating an unworkable or unsafe design.

3. A variation to Clause 7.1 (Residential Density Limitations) to allow a dwelling density of one dwelling per 275m² rather than the required 300m² is considered appropriate in this instances as:
 - The proposal achieves compliance with most relevant clauses of the Planning Scheme including provision of generous private yard spaces, vehicle parking and building setbacks. Compliance with these requirements suggests that the site is serviced appropriately and that future residents will not be inconvenienced by inadequate car parking and yard areas that cannot cater for domestic purposes.
 - The non-compliance with driveway width is not considered to be a reflection of an over-dense development as the landscaping could easily be removed to fully comply. The inclusion of the landscaping creates a more visually pleasing entrance to the property without compromising on functionality or safety.
 - Development of the site with just three dwellings may represent the underutilisation of serviced and developable land. The application demonstrates that the land can accommodate four dwellings without significantly impacting on the amenity of the neighbourhood. Furthermore, in-fill development of this site is considered to be consistent with Clause 4.2(a) of the NT Planning Scheme which states that the development of the Darwin Region should 'maximise existing development options including urban in-fill'.

4. A schematic stormwater plan and waste management plan are required in order for the development to demonstrate that it is technically feasible to collect stormwater and manage rubbish on the site and dispose of it to Council's standards.

ACTION: Notice of Consent and Development Permit

**ITEM 4
PA2013/0511
APPLICANT**

**TEMPORARY DEMOUNTABLE STRUCTURE FOR OFFICE USE
LOT 6503 (66) FRANCES BAY DRIVE, TOWN OF DARWIN
MASTERPLAN NT**

DAS tabled an addendum – amended plans from the applicant.

Mr Brad Cunnington and Ms Shauna Wild (Masterplan NT) attended.

**RESOLVED
187/13**

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 6503 (66) Frances Bay Drive, Town of Darwin for the purpose of a temporary demountable structure for office use, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The plan must show:
 - (a) Landscaping between the front boundary and the driveway serving the proposed demountable office;
 - (b) The layout of the landscaping;
 - (c) A planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant. The layout, type, sizes and quantities of the species proposed are to reflect the need to have an immediate visual effect, given the temporary nature of the demountable structure.

All species selected must be to the satisfaction of the consent authority.

2. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin's stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and City of Darwin's stormwater drain connection point/s.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to

the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.
7. Before the use or occupation of the development starts, the area set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat; and
 - (d) drained;

to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

8. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors/clients.
9. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
10. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
11. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
12. Before the use/occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
14. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
15. No polluted and/or sediment laden run-off is to be discharged directly or indirectly to City of Darwin drains or to any watercourse.

16. The use of the land and presence of the structure on site for the approved purpose of a temporary demountable structure for office use must cease two years from the date this permit is issued.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Power and Water Corporation advises that full lot fire coverage cannot be achieved from existing hydrants. Internal fire fighting arrangements shall be made to the satisfaction of the NT Fire and Rescue Service.
3. A "Permit to Work Within a Road Reserve" may be required from the City of Darwin before commencement of any work within the road reserve.
4. Notwithstanding the approved plans, any works and/or landscaping within City of Darwin's road reserve is subject to City of Darwin approval and shall meet all of City of Darwin's requirements, to the satisfaction of and at no cost to City of Darwin.
5. The Environment Protection Authority of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

REASONS FOR THE DECISION

1. Whilst the form of the proposed development does not reflect the mixed use and precinct style of development envisaged by Zone SD10 (Specific Use Darwin No. 10) and the Frances Bay Area Plan of the Northern Territory Planning Scheme, the office is intended for use associated with the offshore oil and gas industry and its temporary nature would ensure that it does not prevent the long-term development of the site in a manner more consistent with the intent of Zone SD10 and the area plan.
2. A variation to the dimension requirements of Clause 6.5.3 (Parking Layout) in regard to the northernmost car parking space is acceptable given the 3 metre width of the northernmost car parking space and the 8.5 metre width of the adjacent driveway, both of which exceed the base dimensions of this clause, ensuring that drivers using this space would have adequate room to enter and exit this space in a single manoeuvre.

3. Taking into account the purposes of Clauses 6.5.3 (Parking Layout) and 6.8 (Demountable Structures), landscaping of the front setback is necessary to minimise the visual impact of the car parking area and demountable structure on the amenity of the area.
4. The proposed structure is consistent with the purpose of Clause 6.8 (Demountable Structures), being to ensure that demountable structures do not detract from the visual amenity of an area.

Considering the additional landscaping required, the structure's single storey height, the colorbond cladding proposed, the 12 metre setback to the Frances Bay Drive front boundary and the temporary nature of the structure, the demountable would be unlikely to have an adverse impact on the visual amenity of the Frances Bay Drive streetscape and would not clash with the few existing permanent structures in the immediate area.

ACTION: Notice of Consent and Development

ITEM 5 **1 X 2 AND 2 X 3 BEDROOM MULTIPLE DWELLINGS IN A TWO STOREY**
PA2013/0506 **BUILDING**
APPLICANT **LOT 7651 (49) NATION CRESCENT, TOWN OF NIGHTCLIFF**
REMOTE HOUSING SYSTEMS PTY LTD

Mr Norman Millington attended on behalf of the applicant.

Submitters in attendance: -Ms Therese O'Hehir, Mr David Mallett, Ms Margaret Rischbieth, Mr Craig Singleton, Mr Jon Firth, Ms Meredith Hansen-Knarhoi, Ms Carolyn Marriott, Ms Margaret Clinch (PLan) and Ms Joanne Lee (attended on behalf of submitter Mr Warwick Mallise who is unable to attend).

Submitters who sent apologies:- Ms June Proctor and Mr Warwick Mallise.

Interested parties in attendance:- Ms Marion Morton.

RESOLVED
188/13

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Lot 7651 (49) Nation Crescent, Town of Nightcliff for the purpose of 1 x 2 and 2 x 3 bedroom multiple dwellings in a two storey building, for the following reasons:

REASONS FOR THE DECISION

1. While the proposed development is on a corner site and compliant with minimum setback requirements, given the significant departure from the density limitations of the Northern Territory Planning Scheme, it is arguable as to whether the combined potential amenity impacts of three dwellings is comparable to the impact of only two dwellings.

The dwelling density proposed is therefore considered to conflict with the intent of Zone MD (Multiple Dwelling Residential) in relation to infill

development, for which there is a focus on the compatibility of such development with surrounding development.

2. The dwelling density proposed would involve a significant departure from the limits of Clause 7.1.1 (Residential Density and Height Limitations) of the Planning Scheme. Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority), the consent authority may consent to the development of land that does not meet the standard set out in Part 4 only if it is satisfied that special circumstances justify the giving of consent.

The dwelling density limitations of the Planning Scheme are based on site area (being in this instance a limit of one dwelling per 300m² of site area), and impose a dwelling density limit, not a minimum. The size of a site is the only quantitative factor in determining the maximum number of dwellings permitted i.e. the physical characteristics of a site cannot actively prevent compliance with the density limitation.

Were the density shortfall quite minor (e.g. 22.5m² or 2.5% short of the 900m² lot size required for three dwellings), then the minor nature of the non-compliance might be considered a special circumstance in itself. However, a 203m²/22.6% site area shortfall is proposed, which is not minor.

In regard to the justification put forward by the applicant, increasing the number of dwellings on a site to improve their affordability is a course of action that could be proposed for any infill development site, and is not considered to represent a special circumstance.

Similarly, comparing the number of bedrooms proposed to that of a possible compliant development of the site is possible for any infill development site, and is not considered to represent a special circumstance.

In regard to one of the purposes of Clause 7.1.1 (Residential Density Limitations), being to ensure that residential development is consistent with land capability, the land is not considered capable of supporting the proposed dwelling density in the form proposed. Non-compliances and inconsistencies with the car park layout requirements of Clause 6.5.3 (Parking Layout) and design objectives of Clause 7.8 (Building Design of Multiple Dwellings) are considered to be indicative of the non-compliant dwelling density.

It should be noted that even if the westernmost car parking space were deleted (Unit 1/Park 1), the car park layout would still not comply with Clause 6.5.3 (Parking Layout) in terms of providing a minimum 3 metre wide landscaped setback to the road or the driveway projecting 1 metre past the last parking space (Unit 1/Park 2) at a minimum 6 metre width.

ACTION: Notice of Refusal

RATIFIED AS A RECORD OF ATTENDANCE AND DETERMINATIONS MADE AT THE MEETING



PETER MCQUEEN
Chairman

28/8/13